

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

WARSAW ORTHOPEDIC, INC.;
MEDTRONIC SOFAMOR DANEK
USA, INC.; MEDTRONIC PUERTO
RICÓ OPERATIONS COMPANY;
and OSTEOTECH, Inc.,

CASE NO. 12-cv-2738-CAB (MDD)
ORDER ON NUVASIVE'S MOTION
TO STAY
[Doc. No. 58]

Plaintiffs,
vs.
NUVASIVE, INC.,
Defendant.

This matter came before the court today for hearing on NuVasive, Inc.'s motion to stay the case as to the '430 and '997 patents. [Doc. No. 58.] For reasons set forth at the hearing, NuVasive's motion is **GRANTED IN PART AND DENIED IN PART**.

The case is stayed as to United States Patent No. 8,021,430.¹ NuVasive's motion as to United States Patent No. 8,251,997 is **DENIED IN PART**, without prejudice to renewal pending the Patent Office's decision whether to grant *inter partes* review of the '997 patent. The parties shall contact the undersigned's chambers, within seven days of the Patent Office's decision, to schedule a status conference.² The court **VACATES** the deadlines for the '997 patent related to Invalidity Contentions and

¹ Plaintiffs do not oppose a stay as to this patent.

² The parties anticipate that the Patent Office will reach determination by September 25, 2013.

1 Preliminary Claim Constructions. *See* Doc. No. 60.

2 **IT IS SO ORDERED.**

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5 DATED: May 30, 2013

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7 CATHY ANN BENCIVENGO
8 United States District Judge

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